

Climate Change and International Law: How Canada and the United States Respond Differently (2025)

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ABSTRACT

Climate change happened to be one of the most serious global challenges of modern times, with legal, political, and social consequences. However, international law has been used as a tool to guide how states respond to climate risks, reduce greenhouse gas emissions, and protect vulnerable populations. This review paper examines how Canada and the United States respond to climate change within the framework of international law as of 2025. Although both countries are economically advanced and historically high emitters of greenhouse gases, their legal approaches to climate governance vary considerably. Canada remains actively engaged in international climate agreements and incorporates these commitments into domestic legislation. On the contrary, the United States has adopted a reserved approach, including withdrawal from major international climate instruments and reduced reliance on international legal commitment. By reviewing legal instruments, policies, and scholarly literature, this paper highlights how differences in policy objectives and legal interpretation shape national climate responses. The paper concludes that these contrasting approaches have important implications for the effectiveness of international climate law and global climate cooperation.

Keywords: Climate Change; International Law; Paris Agreement; Canada; United States; Environmental Governance; Climate Accountability

INTRODUCTION

Climate change has emerged as one of the most serious and complex challenges the international community is currently facing today. Global warming, increasing frequency of extreme weather events, sea-level rise, and long-term environmental degradation are already threatening livelihoods, food security, public health, and economic stability across the world. These impacts are not limited by national borders, which makes climate change a global problem that cannot be effectively addressed by individual states acting alone (UNEP, 2023).

As the adverse effects of climate change have become severe and visible, the role of international law has broadened. International law provides a framework through which states can cooperate, set shared objectives, exchange information, and coordinate responses to environmental threats. In the context of climate change, this reform is mainly shaped by several agreements such as the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement. These instruments demonstrate common principles, including cooperation, precaution, and shared responsibilities, while encouraging states to take action in accordance with their national capacities (UNFCCC, 1992; Paris Agreement, 2015).

At the same time, international climate law faces major limitations. Most climate agreements rely on voluntary commitments rather than strict enforcement mechanisms. As a result, the effectiveness of these legal instruments depends on how states interpret their responsibilities and integrate them into domestic policy and legislation. This has led to irregular levels of commitment and implementation among states, especially among major greenhouse gas emitters (Bodansky, 2016).

Conversely, Canada and the United States offer an important case study in this regard. Both countries are economically developed, possess strong legal institutions, and have historically contributed significantly to

global greenhouse gas emissions. They also share similar political structures as federal systems, where climate policy is influenced by both national and sub-national governments. Despite these similarities, their approaches to international climate law have grown apart by 2025.

Generally, Canada has positioned itself as a supporter of many-sided climate cooperation and has sought to align its domestic legal reform with its international commitments. Through legislative measures and participation in global climate negotiations, Canada presents itself as a state willing to engage with international legal principles, even while facing challenges in meeting its own emission targets (Doelle, 2021; Government of Canada, 2023).

In contrast, the United States has taken a more cautious and sovereignty-focused approach. While it has played a central role in shaping international climate discussions in the past, its engagement with binding international climate commitments has been inconsistent. However, periodic withdrawals from international agreements and shifting domestic priorities have reduced the role of international law in guiding the United States climate policy (Keohane and Victor, 2016).

Furthermore, this paper examines how and why Canada and the United States respond differently to climate change within the framework of international law. Therefore, by reviewing legal instruments, policy developments, and academic literature, the review paper seeks to highlight how political priorities, legal culture, and interpretations of international obligations influence national climate responses. Understanding these differences is essential for evaluating the current effectiveness of international climate law and for identifying measures toward stronger global cooperation in addressing climate change.

METHODOLOGY AND SCOPE OF THE REVIEW

This paper adopts a qualitative review methodology to examine how Canada and the United States respond to climate change within the framework of international law. Rather than collecting new empirical data, the study relies on an in-depth analysis of existing legal texts, policy documents, and academic literature. This approach is appropriate because international climate law is majorly shaped by treaties, institutional practices, and scholarly interpretation rather than by measurable variables alone (Bodansky, 2016).

The present review draws on several sources. First, it examines primary international legal instruments, including the United Nations Framework Convention on Climate Change and the Paris Agreement, which form the foundation of the international legal framework on climate change (UNFCCC, 1992; Paris Agreement, 2015). These instruments are analyzed to identify the legal principles, obligations, and procedural requirements that apply to regional parties.

Second, the paper reviews domestic legal and policy documents from Canada and the United States. For Canada, this includes federal legislation and official policy statements that link domestic climate action to international commitments. For the United States, the review focuses on executive actions, policy shifts, and official statements that demonstrate the country's evolving relationship with international climate agreements. Therefore, examining domestic materials is essential because international obligations gain practical meaning only when they are interpreted and implemented at the national level (Doelle, 2021).

Third, the study incorporates secondary sources, including peer-reviewed journal articles, books, and reports from international organizations such as the United Nations Environment Programme. These sources provide important view points on the effectiveness, limitations, and future direction of international climate law, as well as comparative insights into state behavior (UNEP, 2023; Boyle, 2022).

Moreso, the scope of the review is limited to developments up to 2025, allowing the paper to capture recent legal and policy trends while maintaining analytical clarity. The focus is on legal engagement and institutional behavior, rather than on technical assessments of emission levels or climate science. This means the paper examines how each country positions itself within international legal frameworks, how it interprets its responsibilities, and how these interpretations influence domestic governance.

Furthermore, the comparative approach adopted in this review provides a clearer understanding of how similar states can respond differently to the same international legal regime. Therefore, by comparing Canada and the United States, the paper demonstrates how political priorities, legal culture, and governance structures shape compliance with international climate law. This approach helps to reveal broader strengths and weaknesses in the current international legal response to climate change.

Climate Change as an Issue of International Law

Climate change became a matter of international law when the global community recognized that environmental harm caused by greenhouse gas emissions does not respect national borders. It is important to note that emissions released in one country can contribute to climate impacts in another, thereby making unilateral national solutions insufficient. Therefore, international law provides an avenue for cooperation, coordination, and shared responsibility among states (Bodansky, 2016).

The first major legal response to climate change was the United Nations Framework Convention on Climate Change (UNFCCC), adopted in 1992. The Convention established climate change as a common concern of humankind and set out principles that continue to guide international climate governance. These include the duty to prevent environmental harm, the principle of precaution, and the concept of common but shared responsibilities, which recognizes that while all states share responsibility for addressing climate change, developed countries bear more burden due to their historical emissions and higher financial capacity (UNFCCC, 1992).

While the UNFCCC created a broad legal framework, it did not impose specific emission reduction targets. This limitation led to further legal developments, most especially the Paris Agreement adopted in 2015. The Paris Agreement introduced a more variable legal structure, requiring states to submit nationally determined contributions (NDCs) outlining their climate actions and to regularly report on progress (Paris Agreement, 2015). Although the Agreement does not fine for non-compliance, it establishes legal obligations related to transparency, reporting, and continuous improvement over time.

Moreover, in recent times, climate change has increasingly been linked to human rights law. Courts, treaty bodies, and legal scholars have argued that climate inaction can threaten fundamental rights, including the rights to life, health, food, water, and a healthy environment. This connection has enhanced the legal importance of climate change, even in the absence of strict enforcement mechanisms (Boyle, 2022). Several judicial decisions have emphasized that states have a duty to take reasonable measures to prevent predictable climate harm, especially where vulnerable populations are affected.

Another important development is the role of state responsibility in climate law. International legal principles such as the duty not to cause trans-boundary harm and to cooperate are increasingly applied to climate-related conduct. While attributing specific climate impacts to individual states remains legally complex, international law is gradually recognizing shared responsibility for collective harm (Rajamani, 2018).

Despite these advances, international climate law faces structural challenges. Its reliance on voluntary commitments and political will means that compliance varies among states. Therefore, enforcement mechanisms remain weak, and legal accountability often depends on domestic courts or public pressure rather than international sanctions. Nevertheless, international climate law continues to shape expectations, influence national policy, and provide a regulatory framework for addressing climate change (UNEP, 2023).

Furthermore, climate change has transformed international law from a system focused mainly on state sovereignty into one increasingly concerned with global cooperation, environmental protection, and inter-generational justice. These evolving legal codes form the foundation upon which national climate responses such as those of Canada and the United States are built.

Canada's Response to Climate Change under International Law

Canada's response to climate change under international law is shaped by its long-standing participation in multilateral environmental agreements and its public commitment to global climate cooperation. As a developed country with historical greenhouse gas emissions, Canada is widely viewed as having both the responsibility and the capacity to contribute meaningfully to international climate efforts. Its approach demonstrates an attempt to balance economic interests with international legal duties and domestic accountability.

Participation in International Climate Agreements

Canada is a party to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, which together form the foundation of international climate law. Through these agreements, Canada has accepted legal responsibilities in relation to cooperation, transparency, and the preparation and communication of nationally determined contributions (UNFCCC, 1992; Paris Agreement, 2015).

Under the Paris Agreement, Canada has submitted updated nationally determined contributions committing to significantly reduce greenhouse gas emissions below 2005 levels by 2030. Also, Canada supports international climate finance and capacity-building initiatives aimed at assisting developing countries in adapting to climate change and transitioning to low-carbon development (Government of Canada, 2023). This continued efforts demonstrates Canada's acceptance of the idea that climate change requires collective international action guided by legal norms.

Integration of International Responsibilities into Domestic Law

One of the feature of Canada's climate strategy is its effort to translate international commitments into domestic legal obligations. The Net-Zero Emissions Accountability Act represents an example of this approach. The Act requires the federal government to set clear emission reduction targets, develop plans to meet those targets, and report regularly on progress to Parliament and the public.

By integrating international climate goals within legal codes, Canada seeks to enhance accountability and ensure continuity beyond political cycles. Legal practitioners note that this approach strengthens the credibility of Canada's international commitments by creating internal mechanisms for oversight and review (Doelle, 2021). Canadian courts have also engage more actively with climate-related cases, especially where government action or inaction is challenged on constitutional or administrative basis.

Climate Diplomacy and International Cooperation

In addition to legal commitments, Canada plays an active role in climate diplomacy. It participates in global climate negotiations, supports international initiatives on methane reduction and clean energy, and collaborates with other states on climate adaptation and mitigation strategies. Canada's diplomatic engagement is a testament of its view that international law serves not just as a set of obligations but also as a medium for cooperation and shared learning.

Furthermore, Canada has also aligned its climate policies with broader international agendas, including sustainable development and environmental protection. This agreement strengthens the interconnected nature of climate law with other areas of international governance, such as trade, human rights, and development assistance (Boyle, 2022).

Implementation Challenges and Criticism

Despite its strong formal engagement with international climate law, Canada has faced persistent challenges in meeting its emission reduction goals. However, past commitments under earlier climate agreements were not fully achieved, thereby leading to criticism from both domestic and international observers. Legal advisers argue that while Canada demonstrates legal and diplomatic leadership, there are still gaps that remain between commitment and implementation (Doelle, 2021).

These challenges highlight a limitation of international climate law, this is because compliance depends largely on domestic political will and policy effectiveness. Canada's experience illustrates that strong legal frameworks alone are insufficient without consistent enforcement, adequate resources, and sustained political support.

Legal Significance of Canada's Approach

From an international law perspective, Canada's approach strengthens the framework value of climate agreements. Therefore, by remaining engaged and embedding commitments into domestic law, Canada contributes to the legitimacy and stability of the international weather patterns. Even when implementation falls short, continued participation helps sustain shared legal expectations and encourages collective progress.

The United States' Response to Climate Change under International Law

The response of the United States to climate change under international law has been shaped by shifting political agenda, strong concerns about national sovereignty, and debates over the economic consequences of climate regulation. Although the United States has played a major role in the development of international environmental law, its engagement with international climate agreements has been inconsistent. By 2025, this variability remains one of the defining features of the United States approach to international climate governance.

Historical Role in International Climate Law

The United States was actively involved in the early development of international climate law, including negotiations leading to the adoption of the United Nations Framework Convention on Climate Change (UNFCCC). As one of the world's largest economies and emitters of greenhouse gases, the United States was expected to assume a leadership role in addressing climate change at the global level (Bodansky, 2016).

However, concerns about economic competitiveness, federal-state relations, and domestic political opposition have often limited the extent to which the United States has been willing to accept binding international obligations. These concerns have influenced its approach cautiously to treaty approval and long-term commitments.

Withdrawal from International Climate Agreements

A defining feature of the United States response by 2025 is its withdrawal from the Paris Agreement. Although the Agreement was designed to allow flexibility and respect national situation, United States administrations questioning of multilateral climate commitments have seen participation as a constraint on domestic policy choices (Keohane and Victor, 2016).

From a legal stand point, withdrawal from the Paris Agreement is permitted under international law. However, such withdrawal has significant implications for global climate cooperation. As a major emitter, the United States disengagement incapacitate collective ambition, reduces financial and technical support for developing countries, and undermines confidence in the stability of international climate commitments.

Domestic Climate Action without Strong International Anchoring

Despite non-participation at the international level, the United States continues to take some climate-related actions domestically. However, federal agencies, state governments, and local authorities have adopted various policies aimed at reducing emissions, promoting renewable energy, and improving energy efficiency. These measures are not consistently framed as part of an international legal obligation.

Also, the absence of strong international establishment means that United States climate policy is sensitive to political change. However, changes in administration often lead to reversals in climate action plans, thereby making long-term planning and legal certainty difficult. Legal practitioners argue that this lack of continuity weakens the effectiveness of climate governance in the United States (Boyle, 2022).

Federalism and Climate Governance

The federal structure of the United States also plays an important role in shaping its climate response. While some states have adopted stringent climate policies and aligned themselves with international climate goals, others have resisted such measures. This disjointed approach complicates the implementation of international norms and limits the ability of the federal government to present a unified national position in international negotiations (Keohane and Victor, 2016). As a result, the United States climate response demonstrates a mixture of progress and resistance, rather than a logical legal strategy grounded in international commitments.

Implications for International Climate Law

The United States approach highlights weakness in international climate law: its reliance on voluntary participation and political goodwill. When a major power withdraws or limits its engagement, the effectiveness of the entire legal framework is affected. The United States position also raises concerns about fairness and responsibility, especially for countries that contribute significantly to global emissions but resist international accountability (UNEP, 2023).

Furthermore, from an international law perspective, the United States response demonstrates the tension between state sovereignty and collective responsibility. While states retain the legal right to determine their level of participation, climate change as a global problem requires sustained cooperation and leadership from major emitters.

Comparative Analysis of Canada and the United States

A comparison of Canada and the United States reveals how two countries with similar economic potential and political structures can respond very differently to the same international climate law framework. Both countries are federal systems, major greenhouse gas emitters, and long-standing participants in international diplomacy. However, their legal engagement with climate change shows a marked political agenda, legal traditions, and interpretations of international responsibility.

Approach to International Climate Commitments

Generally, Canada has treated international climate agreements as guiding legal frameworks that should influence domestic policy. By remaining a party to the UNFCCC and the Paris Agreement, Canada accepts shared legal expectations related to transparency, cooperation, and progressive climate action. Canada's continued participation strengthens the idea that international climate law, even without strict enforcement, carries normative and political weight (Doelle, 2021).

On the contrary, the United States has adopted a selective approach. While it has contributed to the development of international climate law, its willingness to remain bound by international commitments has changed. Withdrawal from the Paris Agreement by 2025 shows a choice for policy flexibility and independent authority over long-term international legal obligations (Keohane and Victor, 2016).

Domestic Legal Integration of International Norms

One of the most important differences between the two countries depends on how international climate commitments are integrated into domestic law. Canada has taken careful steps to immerse international goals into legislation, such as through accountability and reporting requirements. This approach strengthens the connection between international obligations and domestic governance, even if implementation remains challenging.

However, the United States, by contrast, has not consistently translated international climate commitments into binding federal legislation. Climate policy often depends on official action, regulatory measures, or state-level initiatives. As a result of this, international baseline climate data have limited influence on domestic legal structures and are more vulnerable to political change (Boyle, 2022).

Stability and Continuity of Climate Policy

Canada's climate policy, although imperfect, benefits from greater legal continuity. Legislative frameworks and long-term goals provide a degree of stability that goes beyond electoral periods. This continuity enhances Canada's credibility in international negotiations and supports the gradual development of international climate norms.

In the United States, climate policy has been marked by fluctuations. Changes in administration often lead to reversals in climate objectives, affecting both domestic policy and international engagement. This lack of consistency reduces the predictability of United States climate action and threatens the overall effectiveness of international climate law (UNEP, 2023).

Leadership and Global Influence

As major economies, both Canada and the United States have the potential to influence global climate governance. Canada's continued engagement supports multilateralism and encourages cooperation, especially among developed countries. Even when it struggles to meet targets, Canada's participation helps sustain the legitimacy of international climate institutions.

Furthermore, the United States' partial engagement has a more destabilizing effect. Because of its economic size and historical emissions, United States withdrawal from international commitments sends a strong message to other states and can reduce global ambition. Legal advisers argue that leadership from major emitters is essential for the success of international climate law (Bodansky, 2016).

Implications for International Climate Law

The contrasting approaches of Canada and the United States demonstrate a central tension in international climate law: the balance between state sovereignty and collective responsibility. Canada's approach demonstrates how international law can shape domestic governance through accountability and cooperation. The United States approach, however, exposes the limitations of a legal regime that depends heavily on voluntary participation.

Together, these cases show that international climate law remains effective only to the point that states choose to internalize and uphold shared legal principles. Without consistent engagement from major emitters, the ability of international law to address climate change remains constrained.

DISCUSSION

The comparative review of Canada and the United States shows that while both countries are major contributors to global greenhouse gas emissions and influential actors in international law, their responses to climate change vary across legal cultures, political systems, and attitudes toward international requirements. These differences have significant consequences not only for domestic climate action but also for the effectiveness of international climate governance.

One of the major issue arising from this review is the role of international law in shaping national climate policies. Canada treats international climate agreements as a guiding framework that influence domestic legislation and policy direction. Although Canada has struggled to meet some of its emissions requirements, it has consistently remained within the international climate framework, further demonstrating respect for multilateralism and international cooperation (Harrison, 2020; Government of Canada, 2023). This shows a legal culture that perceives international environmental law as a valid source of regularize guidance, even when enforcement methods are poor.

In contrast, the United States has approached international climate law more cautiously and, at times, inconsistently. While the United States has played a central role in shaping global climate negotiations, especially during the creation of the UNFCCC and the Paris Agreement, its commitment has been vulnerable to

domestic political changes (Bodansky, 2016). However, the withdrawal from the Paris Agreement in 2020, followed by re-entry in 2021, shows how international climate obligations in the United States are often treated as political commitments rather than binding legal duties. This instability threatens the credibility of the United States in international climate negotiations and complicates long-term global climate planning (Keohane and Victor, 2016).

Another important issue is the influence of constitutional and federal structures in both countries. In Canada, shared jurisdiction between the federal government and the provinces has created legal and political challenges, especially when provinces oppose federal climate initiatives such as carbon pricing. However, recent court decisions have made it clear that climate change constitutes a matter of national concern, allowing stronger federal leadership (Reference re Greenhouse Gas Pollution Pricing Act, 2021). This judicial support strengthens Canada's ability to align domestic law with international climate commitments.

Additionally, in the United States, federalism has played a more restrictive role. Congressional opposition has restricted the adoption of comprehensive climate legislation, and forcing dependence on executive action and regulatory agencies like the Environmental Protection Agency (EPA). While executive actions can advance climate goals, they are more easily reversed by subsequent administrations, thereby limiting legal right and long-term effectiveness (Jaffe, 2021). This reliance on executive authority also raises questions about the legitimacy and durability of democracy in fulfilling international climate commitment.

Conversely, the discussion also highlights the importance of climate cases as a tool for accountability. For instance, in Canada, climate litigation is still developing, but courts have increasingly recognized the importance of climate science and international commitments in constitutional and administrative cases. Meanwhile, in the United States, climate lawsuit has been more extensive, with cases brought by states, cities, and civil society actors against both government agencies and private corporations (Peel and Osofsky, 2018). While litigation has helped push climate issues into the legal mainstream, it has not fully compensated for the absence of comprehensive federal climate legislation.

From an international law perspective, the comparison stresses a comprehensive challenge: the limited validity of international climate law. Both Canada and the United States operate within a system where compliance depends majorly on political will rather than legal sanctions. This reality makes domestic legal frameworks, courts, and institutions important for translating international climate commitments into real action (Rajamani, 2018). therefore, Canada's relatively stable engagement with international climate law suggests that consistency and legal integration matter as much as ambition.

Finally, this present review points to the need for greater alignment between international obligations and domestic legal systems. For climate change to be effectively addressed, international law must be supported by strong domestic institutions, clear legal statutes, and sustained political commitment. The experiences of Canada and the United States show that even advanced legal systems can struggle to respond adequately to climate change if international commitments are not firmly integrated in domestic law.

In summary, the differences between Canada and the United States are not simply about policy choices but shows deeper legal and institutional frameworks. Understanding these differences is essential for improving international climate cooperation and strengthening the role of international law in addressing one of the most urgent global challenges of the 21st century.

CONCLUSION

This review has examined how Canada and the United States respond to climate change within the framework of international law. The analysis shows that although both countries recognize climate change as a serious global problem and are parties to major international agreements, their legal and institutional responses differ. These differences are shaped by domestic political systems, constitutional structures, and attitudes toward international legal responsibilities.

Moreso, Canada's approach to climate change reflects a consistent commitment to international climate law. Despite facing challenges in meeting emissions goals, Canada has consistently engaged with the United Nations climate regime and has made efforts to translate international commitments into domestic law and policy. Instruments such as national emissions reduction plans, carbon pricing methods, and judicial recognition of climate change as a matter of national concern shows an attempt to align domestic governance with international duties (Government of Canada, 2023; Harrison, 2020). This approach strengthens Canada's credibility in international climate negotiations and supports the broader goal of cooperative global action.

Historically, the United States, on the other hand, presents a more complex and less predictable picture. While the United States has played a leading role in shaping international climate agreements, its domestic implementation of these commitments has been inconsistent. Changes in political leadership have led to shifts in climate policy, including withdrawal from and re-entry into the Paris Agreement. This pattern demonstrates a structural weakness in the United States system, where international climate commitments depend solely on executive action rather than legislative support (Bodansky, 2016). As a result, long-term compliance with international climate obligations remains uncertain.

From an international law stand point, the experiences of both countries reveal the limitations of the current global climate regime. International climate agreements depend on voluntary compliance, peer pressure, and transparency rather than enforceable sanctions. Ultimately, this means that the effectiveness of international climate law depends on how states integrate these commitments into their domestic legal systems (Rajamani, 2018). Canada's relatively stable engagement suggests that continuity and institutional support can enhance compliance, while the United States experience shows how political volatility can undermine international legal commitments.

Furthermore, the review also enhances the growing importance of domestic courts, regulatory agencies, and sub-national actors in climate governance. In both countries, courts have been asked to assess the legality of climate policies and government inaction. Although lawsuit alone cannot solve the climate crisis, it plays a valuable role in promoting accountability and keeping climate regulations visible within domestic legal systems (Peel and Osofsky, 2018). This suggests that international climate law is deeply connected to constitutional, administrative, and human rights law at the national level.

In conclusion, the comparison between Canada and the United States highlights that effective responses to climate change require more than international agreements. They require strong domestic legal frameworks, institutional continuity, and sustained political commitment. While international law provides an essential foundation for global cooperation, its success depends on how states choose to interpret, implement, and uphold their obligations. Therefore, as climate impacts intensify beyond 2025, strengthening the relationship between international climate law and domestic legal systems will be necessary for both Canada, and the United States, as well as the broader international community.

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